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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/144,838	08/31/1998	MICHAEL A. SIANI	GRFN-020/01U	5261

7590 12/05/2002

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[REDACTED] EXAMINER

CELSA, BENNETT M

ART UNIT	PAPER NUMBER
1639	35

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

file copy

Advisory Action	Application No. 09/144,838	Applicant(s) Siani et al.
	Examiner Bennett Celsa	Art Unit 1639
		
<p>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</p> <p>THE REPLY FILED <u>Nov 12, 2002</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p> <p style="text-align: center;">THE PERIOD FOR REPLY [check only a) or b])</p> <p>a) <input type="checkbox"/> The period for reply expires _____ months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p> <p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p> <p>1. <input checked="" type="checkbox"/> A Notice of Appeal was filed on <u>Nov 12, 2002</u>. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</p> <p>2. <input checked="" type="checkbox"/> The proposed amendment(s) will not be entered because:</p> <p>(a) <input checked="" type="checkbox"/> they raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input checked="" type="checkbox"/> they raise the issue of new matter (see NOTE below);</p> <p>(c) <input checked="" type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: <u>See attached</u></p> <p>3. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____ _____</p> <p>4. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>5. <input type="checkbox"/> The a) <input type="checkbox"/> affidavit, b) <input type="checkbox"/> exhibit, or c) <input type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____ _____</p> <p>6. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p> <p>7. <input checked="" type="checkbox"/> For purposes of Appeal, the proposed amendment(s) a) <input checked="" type="checkbox"/> will not be entered or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____</p> <p>Claim(s) objected to: _____</p> <p>Claim(s) rejected: <u>28-36</u></p> <p>Claim(s) withdrawn from consideration: _____</p> <p>8. <input type="checkbox"/> The proposed drawing correction filed on _____ is a) <input type="checkbox"/> approved or b) <input type="checkbox"/> disapproved by the Examiner.</p> <p>9. <input type="checkbox"/> Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</p> <p>10. <input checked="" type="checkbox"/> Other: <u>SSEA</u></p>		

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DETAILED ACTION

Advisory Action Cont.

The After-Final Amendment is denied entry for the reasons already advanced in the Advisory Action and for the following additional reasons:

- a. The proposed amendment (e.g. to claims 28-30 and 32-35) introduces new claim limitations which require additional search and/or consideration. Further search, may necessitate the raising of new prior art rejections.
- b. The proposed amendment introduces new claim limitations which may necessitate the raising of new rejections e.g. new matter for and/or indefiniteness regarding e.g. “... sufficient homology .. functional domains ... mediate the function ... into said cross-over protein” garding “both the scaffolding .. affect binding” which lacks specification support and is further indefinite regarding binding affects. .
- c. The propooses amendment may result in the modification of present rejections (or the making of new rejections) addressing the newly added claim limitations.
- d.. The propose amendment does not materially reduce or simplify the issues for appeal.
- e. There are no reasons provided as to why the present amendment was not earlier presented.

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General information regarding further correspondence

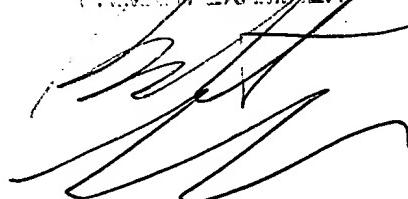
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang (art unit 1639), can be reached at (703)306-3217.

Any inquiry of a general nature, or relating to the status of this application, should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Bennett Celsa (art unit 1639)
December 4, 2002

BENNETT CELSA
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Bennett Celsa".